

Exhibit B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

DECLARATION

Case No. 1:18-cr-00204-NGG-VMS

Defendant.

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1. I, Dr. James Richard Kiper, Ph.D., declare under penalty of perjury, under 28 U.S.C. 1746, that the following is true and correct.
2. In this case, I concluded that digital evidence – a camera card (1B15a) and hard drive (1B16) – had been falsified, and government actors must have been involved in evidentiary fraud.
3. The government has withheld the forensic copies of the camera card. Should the government disclose these copies, they should follow the below process to prevent intentional tampering or further alteration. All but Step #5 involves merely copying existing data.

Proposed Forensic Disclosure Process for the Two Copies of the Card

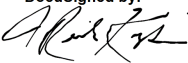
1. Use Robocopy to **directly copy each image file from their respective file paths¹ on the CART SAN** (storage area network). FBI CART uses Robocopy on a regular basis because it creates a copy log and hashes each file as it copies.
2. Provide the Defense all copies of the image files **stored on backup tapes**, or on other media stored in **Evidence Control**, again using Robocopy.

¹ The respective file paths are:

\\nycart-fs\cases05\NY-2233091_208206\Evidence\NYC024299\NYC024299.001 and
\\nycart-fs\CASES02\NY2233091_196817\Evidence\NYC024299_1B15a\NYC024299_1B15a.E01.

3. Provide the Defense all copies of the image files that were created as "**derivative evidence**," either as working copies, or copies given to agents, the USAO, or other personnel outside of CART (e.g., FBI Senior Computer Scientist David Loveall II).
4. Provide the Defense all **image logs** and **file listings** accompanying all of the above items.
5. Provide the Defense documentation (e.g., examination notes) recording **the tools used and the methods followed** to provide the above items, and signed by the person who performed them.
6. Provide the Defense a complete **chain of custody** for all of the above items, from the time each image was created to the time its copy is finally provided to the Defense.

Executed on: 10/23/2023

DocuSigned by:

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Dr. James Richard Kiper, Ph.D.

Former FBI Special Agent, CART Forensic Examiner, and Unit Chief at the FBI Academy